IV.—MOTION UNDER RULE 11 (1) OF THE MADRAS LEGISLATIVE COUNCIL RULES.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

'That the absence of the hon. Member, Sri A. Krishnaswamy Vandayar from the 25th March 1964 till 15th November 1965 be condoned'.

The hon. Member has some eye trouble and, therefore, his absence may be condoned.

MR. CHAIRMAN : The question is—

'That the absence of the hon. Member Sri A. Krishnaswamy Vandayar from the 25th March 1964 till 15th November 1965 be condoned'.

The motion was put and carried.

V.—GOVERNMENT MOTION.

ISSUE OF RULES UNDER SECTION 94 OF THE MADRAS LAND REFORMS (FIXATION OF CEILING ON LAND ACT, 1961—cont.

MR. CHAIRMAN : We will now take up the discussion on the motion moved yesterday.

*SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, at the very outset I have to appeal to the Government as I have done many times on the floor of this House that this thing could very well be kept in abeyance till we reach self-sufficiency in food. It is a defence effort. But lands have been acquired and they have to frame rules for the purpose of disposing of those lands. Therefore, I do not want to put it seriously now.

Sir, an order of preference is given in the rules for the distribution of these lands. These surplus lands, they say, will be assigned in the order of those who have been completely dispossessed of their holdings by virtue of the provisions of the Act, to a person whose extent of hoding is reduced below three standard acres, a person who is, or has been a member of the Armed Forces. So far it is all allright. The next in order come the co-operative farming societies. So far as these societies are concerned, I would put them below the landless agricultural labourers who are likely to engage themselves in direct cultivation. I would prefer the lands being assigned to landless labourers rather than to the co-operative farming societies with a number of persons who may not take any interest at all in the cultivation of the lands. So far as I could see from the reports of the Public Accounts Committee and other reports, there are societies which are not working satisfactorily. Instead of risking at this time of emergency the assignment of lands to co-operative societies, it will be better to have the lands assigned first to landless agricultural labour and to those who are likely to engage themselves in direct cultivation. Then we can assign to those persons who will engage themselves in indirect

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cultivation. We can put it that way. That is my suggestion. Of course, it is a question of policy.

As regards the conditions of assignment, rule 6 (2) says, The assignee shall also be liable to pay such value for the buildings and trees, if any, on the surplus land assigned, as may be fixed'. 'As may be fixed', by whom, I want to know. It is not one of the duties of the authorised officer under the Land Ceiling Act. It is not mentioned there. Therefore, we will have to say by whom the value will be fixed. So far as lands are concerned, we can value them at 12 times the net annual income from the land. This is all right so far as lands are concerned. But so far as the buildings are concerned, we will have to value them or we must adopt the market value whichever we think proper. Something must be provided for the purpose of valuing buildings which are taken. The assignee is liable to pay the value of the buildings as may be fixed. The manner of fixation, the way to value it, and the authority to value it, have to be specified in the rules, so far as rule 6 is concerned.

Then, I come to rule 9 (1). It says that the land shall not be sold or otherwise alienated before the expiry of a period of ten years from the date of assignment or before the payment of the value of the land and buildings and trees thereon in full, whichever is later. Then there is another sub-rule which contradicts this rule. Sub-rule (iii) says, 'The land will vest absolutely in the assignee only after the value of the land and the buildings and trees thereon is paid in full'. Suppose the value of lands and buildings is paid in full; then we cannot restrict the alienation, because the land vests absolutely in the assignee. Once he pays the value of the land and the buildings and the Government are satisfied, then the land vests absolutely in the assignee. Once it vests absolutely in the assignee, we cannot restrict the alienation ten years later. This is inconsistent. When we say it vests absolutely, it means and includes the right of alienation. Therefore, if the Government want that the assignee shall not alienate the land for ten years, they can put it as a condition in the assignment and say that for a period of ten years, he should not alienate. But when once the right vests in the assignee absolutely, it means that he has the right to alienate it absolutely. The expression 'absolutely' will indicate that. If it is thought necessary, it is better to take away that word 'absolutely'.

* **DR. H. V. HANDE**: Sir, under rule 10, any person aggrieved by the orders of the District Revenue Officer under rule 8 (5) may, within sixty days from the date of such order, appeal to the Land Commissioner. I request the Hon. Minister to include therein 'a high power committee consisting of the representatives of two or three political parties' above the Land Commissioner so that the land will not be assigned to members of one particular party. Supposing persons are aggrieved, and they are not able to bring it to the notice of the Land Commissioner, then they will be

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in distress, because there will be no impartial body to take cognisance of the complaints. The officers will have to take cognisance, and the officers will come under the ministry. I feel that an impartial high power committee is necessary to see that land is assigned impartially irrespective of party affiliations. If this is put in the rules, then it will give confidence to all persons irrespective of party affiliations. I request the Hon. Minister to include ' a high power committee ' in rule 10 (1).

* THE HON. SRI V. RAMAIAH : Mr. Chairman, Sir, before meeting the points raised by Mr. Balasubramanya Ayyar, I would like to answer the points raised by Dr. H. V. Hande. This is only a very small part of the very big Act called the Land Ceiling Act. Under that Act, a particular section requires a resolution to be passed in this House on the manner of disposal of the land. If the hon. Member refers to the Act, he will find that the final authority will be the Land Commissioner as such. We are not introducing anything new. To accept Dr. Hande's suggestion would mean a new principle being introduced in the entire Bill on a resolution which is just before the House to inform the House how disposal of lands is to be made. It is not possible now to include the high power committee in the Act. Dr. Hande thinks that the Land Commissioner will be politically influenced. Well, this is a new thing which I do not think anybody will accept. The whole Act has been thoroughly discussed. The Legislature was thoroughly satisfied, and it has vested power in the Land Commissioner. It is not in every case of assignment that one will go to the Land Commissioner. We are leaving a large portion to the lower officers. Only when an appeal is filed, he may think that political influence will be brought on the Land Commissioner. I do not think we can accept the suggestion of Dr. Hande.

Sri K. Balasubramanya Ayyar in his opening remarks wanted that the entire Act should be kept in suspense. But I do not think that we are in that position now. The Act has come into force, and various steps have been taken. Now we have reached the stage where some lands have been taken over actually and they are in the process of disposal by the officers who are empowered to do it. Now it is a question of how to distribute the lands that are already with us and that will come into our possession hereafter. So, there is no question of keeping this Act in suspense now. The officer who will be competent to assign the lands has already been categorically stated as the District Revenue Officer. So, there is no confusion or no lack of specific mention in the Act. (Interruption.) நோடிபிகேஷனிலே பார்த்தால் இருக்கும். அவர் கொடுக்க முடியாது என்றால் அப்பீல் இருக்கிறது. அப்போது Land கமிஷனருக்கு அந்த power இருக்கிறது. Co-operative Societies have got preference. These co-operative societies consist of people who are without lands. We are giving high priority to them, because they will be able to get other help. Before giving

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the lands to landless agriculturists on individual basis, we think it is necessary that high priority should be given to co-operative societies.

MR. CHAIRMAN : The question is—

'That the draft of the Madras Land Reforms (Disposal of Surplus Land) Rules, 1965, which it is proposed to issue under sub-section (1) of section 94 of the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act 58 of 1961), be approved under the proviso to the said sub-section.'

The motion was put and carried.

VI.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION (NO. 5) BILL, 1965 (L.A. BILL NO. 43 OF 1965).

THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir,
3-40 p.m. I move—

"That the Madras Appropriation (No. 5) Bill[a] 1965 (L.A. Bill No. 43 of 1965), as passed by the Assembly, be taken into consideration."

MR. CHAIRMAN : The question is—

"That the Madras Appropriation (No. 5) Bill, 1965 (L.A. Bill No. 43 of 1965), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 3 and the Schedule were put and carried.

Clause 1, the Long Title and the Enacting Formula were put and carried.

THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

"That the Madras Appropriation (No. 5) Bill, 1965 (L.A. Bill No. 43 of 1965), as passed by the Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Madras Appropriation (No. 5) Bill, 1965 (L.A. Bill No. 43 of 1965), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(2) THE MADRAS APPROPRIATION (NO. 6) BILL, 1965 (L.A. BILL NO. 44 OF 1965).

THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

"That the Madras Appropriation (No. 6) Bill[b] 1965 (L.A. Bill No. 44 of 1965), as passed by the Assembly, be taken into consideration."

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a Printed as Appendix II on pages 334–336.

b Printed as Appendix III on pages 336–338.